

## MADISON GROWTH SOLUTION PARTICIPANTS REQUEST TO THE MADISON COUNTY COMMISSION

We, the undersigned participants in the Madison Growth Solutions process, with due respect for the previous request by members of the Madison Valley community, hereby request that the Madison County Commission to table the proposed stream set back regulation and refocus the process on water quality and riparian health. We believe that the County Commission should work to develop water quality regulations based on science which apply to all new construction in both the main-stem Madison River and all streams and tributaries of all rivers on the East side of the Tobacco Root Mountains and the Gravellys. We believe that water quality is the County's most important asset.

This request to refocus is made because, since the adoption of the resolution on October 23, 2007, as a result of the Growth Solutions process, information has developed which makes it apparent that setbacks without appropriate scientific justification do not address water quality and place an onerous burden on stream side property owner without scientific justification. However, requiring all construction to comply with best management practices will be significant in the fight to protect water quality.

The information which has developed since the creation of the proposed set back regulation includes the following: River Riparian Scientists Duncan Patten has opined that one size does not fit all when it comes to protecting water quality that any setback over 50 feet should have scientific justification. The District Forrester, Mark Petroni, has reported that there are no water quality deficits on the Madison River and that the Forrest Service is required to protect the river whenever it performs activities which could potentially affect it. Morrison & Maierle engineers have described Federal and State Water Quality laws which provide significant protection for Madison County waters by requiring the use of Best Management Practices to eliminate adverse impacts on any development effecting over one acre. Moreover, if a septic tank is properly employed it does not pollute either the ground or surface water.

Given this testimony from experts with no personal stake, we believe that a more equitable approach to protecting streams would refocus away from clearly divisive setbacks to focus on water quality which should be the responsibility of everyone in Madison County. The present permit process for septic tanks could be utilized to require every construction project, even those under one acre, to obtain a permit. The burden should be on the landowner to establish that the construction will utilize Best Management Practices.

(Submitted to the Board of Madison County Commissioners and the Streamside Protection Steering Committee on July 15, 2008)